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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,904	07/11/2001	Steven B Dunn	MBI-1064	9657

7590 03/23/2004

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EXAMINER

WILSON, PAMELA ANNE

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/902,904

Applicant(s)

DUNN ET AL.

Examiner

Pamela A Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on or before 2/6/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 1,3 and 18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 4-7 and 9-49 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Response to Protestor's Arguments***

The examiner has reviewed the Protest, filed on April 4, 2002 as paper #2, that has been submitted under Rule 291(a) in the instant application.

The Protest has presented the British Patent No. 160,098 ('098) as anticipating the Applicant's claim numbers of 1, 3 & 8. The Applicant has cancelled these claims and thus such arguments against allowing these claims is moot.

The Protest states that claims 2 and 32 are unpatentable over the prior art of the British Patent '098 and Son (U.S. Patent 2,472,028). The prior art of the British Patent '098 and Son do not teach or disclose of a structure which is specifically for supporting baby bottles as recited in the Applicant's claim language; nor does it include a tray which provides pegs for storing an article in such a manner that no standing water may collect at a point where the peg is mounted. Hence, claims 2 and 32 are allowable over the prior art and accordingly, claims 33 and 34, which depend from claim 32, either directly or indirectly, are also deemed to be allowable.

The Protest further states that claims 4 and 18 are unpatentable over the British Patent '098 and Son. However, the prior art does not teach or disclose of a tray which includes pegs for storing articles which include a means for providing movement to the pegs whereby the entire peg can be positioned adjacent to the upper face of the tray for the purposes of storage. Hence, claims 4 and 18 are deemed to be allowable over the prior art of record. Furthermore, claims 5-7 which depend from claim 4, either directly or

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indirectly, and claim 21 which depends from claim 18 are also considered to be patentable over the prior art of record.

Additionally, the Protest states that claims 9 and 11 are unpatentable over the British Patent '098 and Son further in view of Kassanchuk (U.S. Patent No. 4,238,035), Chang (U.S. Patent No. 5,492,237) or the Swiss Patent 682,919 ('919). Since the British Patent '098 and Son do not teach or disclose of a tray which comprises pegs for storing articles, or pegs which include a means for lateral movement, and further the additional teachings of Kassanchuk and Chang or the Swiss Patent '919 do not disclose the feature of a disk holding means which will isolate the disks from areas in the tray which may collect water, claims 9 and 11 are considered to be patentable over the prior art of record. Accordingly, claim 10 which depends from claim 9 and claims 12-17 which depend from claim 11, either directly or indirectly, are also deemed to be allowable.

The Protest also states the claim 19 is unpatentable over the Swiss Patent '919. However, the Swiss Patent '919 does not teach or disclose of a means for holding baby bottles disks in a location that is isolated from areas of the tray which may hold water. Therefore, claim 19 and claim 20, which depend from claim 19, are deemed to be allowable over the prior art of the Swiss Patent '919.

Further, the Protest states that claim 22 is unpatentable over the Swiss Patent '919 in view of Son; however, this prior art does not teach or disclose of a tray apparatus comprising pegs for supporting baby bottles or a means for the lateral movement of pegs on the tray and further there is no teaching of the feature of the pegs

to be positioned adjacent the upper face of the tray for storage purposes nor is there any teaching for a frictional means for retaining pegs in an operative position.

Therefore, since claim 22 is deemed to be allowable over the Swiss Patent '919 and further in view of Son, dependent claims 23-31 which depend from claim 22, either directly or indirectly, are also deemed to be allowable.

Additionally, the Protest states that claims 35 and 46 are rejectable over the prior art of the Swiss Patent '919, Safety 1<sup>st</sup> and Mommy's Helper publications and further in view of Son. None of the aforementioned prior art teaches or discloses the method step for moving a plurality of ring support members or peg members of a bottle rack from a first storage position to a second operative position; nor does the aforementioned prior art teach or disclose of a baby bottle or a baby bottle ring being positioned a bottle rack such that each item will not be exposed to any water that may collect on the upper surface of the rack where the items to be dried are stored. Hence, claims 35 and 46 and the claims 36-45 and 47-19, which depend from these claims either directly or indirectly, are deemed to be allowable.

### ***Drawings***

The drawing corrections that were received on February 6, 2003 have been disapproved since the figure is not labeled "amended". The changes made to the drawings themselves would be approved if the figure were labeled properly.

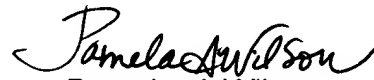
***Supplemental Oath/Declaration Required***

The reissue oath/declaration filed with this application is defective because of the proposed drawing revisions submitted on February 6, 2003. A supplemental oath/declaration is required which will cover all corrections which transpire after the filing of the original reissue oath/declaration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pamela A Wilson whose telephone number is 703/308-2620. The examiner can normally be reached on Tues-Wed (6:30 a-3:00 p) and alternating Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703/308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703/305-7764.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/308-0861.

  
Pamela A Wilson  
Primary Examiner  
Art Unit 3749

January 6, 2004  
paw